

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ANTHONY THREATT,

Plaintiff,

Case Number: 07-CV-11592

v.

HONORABLE AVERN COHN

THOMAS BIRKETT, ET AL.,

Defendants.

ORDER

I.

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff is an inmate at the Standish Maximum Correctional Facility in Standish, Michigan. Plaintiff alleged that defendants have violated his right to due process because he has been placed on “modified access,” which limits his ability to utilize the established prison grievance procedure. Plaintiff proceeded without prepayment of the filing fee in this action under 28 U.S.C. § 1915(a)(1). The Court dismissed the complaint under 28 U.S.C. § 1915(e)(2),¹ because it failed to state a claim upon which relief may be granted. See Order of Summary Dismissal filed April 16, 2007. Petitioner filed a motion for

¹ 28 U.S.C. § 1915(e)(2) provides, in pertinent part:
Notwithstanding any filing fee, or any portion thereof, that
may have been paid, the court shall dismiss the case at any
time if the court determines that –
...
(B) the action or appeal –
...
(ii) fails to state a claim upon which relief may be granted . . .

reconsideration and paper styled "Letter Motion to Amend Statement of Fact with Documents Attached." The Court denied the motion for reconsideration and denied the motion to amend as moot. See Order filed May 2, 2007.

II.

Now before the Court are plaintiff's papers styled as follows:

- Motion for a Miscarriage of Justice or Correct the Error Made in Dismissing Entitled Case
- Motion to Amend Exhibits to Complaint to Show Retaliatory Acts by the Defendants
- The Prisoner's Rights Burdened by the Disrespect Rules

In all of these filings, plaintiff essentially asks the Court to reconsider the dismissal of the complaint. Having reviewed the papers, the Court finds no error in dismissing the complaint for failure to state a claim. As explained, placement on modified access does not raise a federal constitutional claim of retaliation. Accordingly, plaintiff's motion for miscarriage of justice and motion to amend are DENIED.

SO ORDERED.

Dated: May 21, 2007

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record and Anthony Threatt, 182625, Standish Maximum Correctional Facility, 4713 West M-61, Standish, MI 48658 on this date, May 22, 2007, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160